



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Ekner *et al.*

Application No.: 09/788,670

Filed: February 21, 2001

For: **Binary Polynomial Multiplier**

Confirmation No.: 6040

Art Unit: 2193

Examiner: Do, Chat C.

Atty. Docket: 1778.2110000 (*as amended*)

(MIPS 0113.00US)

Request for Reconsideration of Decision on Petition

Mail Stop Petition

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the decision mailed September 6, 2005, dismissing Applicants petition; Applicants submit herewith a second Petition for Revival under 37 CFR § 1.137(b) that states the date of the international filing.

Reconsideration of Applicants Petition and revival of the instant application are respectfully requested.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Virgil L. Beaston
Attorney for Applicants
Registration No. 47,415

Date: 12/6/05

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600



PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR INTERNATIONAL FILING (37 CFR 1.137(f))	Docket Number (Optional) 1778.2110000 (As Amended) (MIPS 0113.00US)
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First named inventor: Hartvig W.J. Ekner

Application No.: 09/788,670

Art Unit: 2193

Filed: February 21, 2001

Examiner: Do, Chat C.

Title: Binary Polynomial Multiplier

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational international treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).

PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION UNDER 37 CFR 1.137(b)

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity – fee \$ 1,500.00 (37 CFR 1.17(m))

Previously paid on July 27, 2005 with Check No. 197088

2. Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))

Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after the filing. The filing date of the subsequently filed foreign or international application is February 15, 2002.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT: The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Virgil L. Beaston
Signature

12/6/05
Date

Virgil L. Beaston
Typed or printed name

47,415
Registration Number, if applicable

Sterne, Kessler, Goldstein & Fox P.L.L.C.
Address

(202) 371-2600
Telephone Number

1100 New York Avenue, N.W. Washington, DC 20005-3934
Address

Enclosures: ☐ Fee Payment

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date

Signature

Typed or printed name of person signing certificate



Statement of Facts Accompanying Form PTO/SB/64a

1. The present application (U.S. Patent Application No. 09/788,670) was filed on February 21, 2001, concurrently with four other U.S. patent applications (U.S. Patent Application Nos. 09/788,682, 09/788,683, 09/788,684, and 09/788,685). Each of these applications is for a different invention, but the applications contain overlapping specifications and incorporate each other by reference. A non-publication request was filed with the present application. Non-publication requests were not filed with the other four applications. Each of these applications is assigned to MIPS Technologies, Inc.
2. On or about January 21, 2002, MIPS Technologies, Inc. instructed the law firm formerly handling the applications noted above in Item 1 to internationally file U.S. Patent Application Nos. 09/788,683, 09/788,684, and 09/788,685 under the Patent Cooperation Treaty. The law firm was instructed not to foreign or internationally file the present application.
3. On February 15, 2002, the law firm formerly handling the five applications noted above in Item 1 filed U.S. Patent Application Nos. 09/788,683, 09/788,684, and 09/788,685 internationally under the Patent Cooperation Treaty. These three international filings were assigned Application Nos. PCT/US02/04414, PCT/US02/04415, and PCT/US02/04427. At the time these three applications were filed, individuals responsible for prosecution of the present application and the assignee did not recognize a need to rescind the non-publication request filed with the present application.
4. In July 2005, James Kurkowski, Vice President of Intellectual Property for MIPS Technologies, Inc., first identified that the present application may be abandoned because portions of the specification of the present application had been internationally filed as part of the three PCT applications identified above in Item 3.
5. Mr. Kurkowski contacted the law firm formerly handling the present application and informed the law firm that the present application may be abandoned for failure to rescind the non-publication request filed with the present application within 45 days of the three international filings noted above in Item 3.
6. On July 27, 2005, the law firm formerly handling the present application filed a first Petition to revive the present application. This first Petition was dismissed on September 6, 2005, for failing to state the date of a foreign or international filing.
7. A second Petition, which this instant Statement of Fact supports, is filed herewith by new counsel for the assignee as part of a request for reconsideration of the decision dismissing the July 27, 2005 Petition. This second Petition states the date of the international filings identified above in Item 3.